



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 6369-99

17 March 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 15 March 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Marine Corps on 16 June 1987 in the grade of SSGT (E-6). At that time you had completed almost eleven years of active service on prior enlistments. On 2 September 1998 you completed a Level III inpatient alcohol rehabilitation program. Subsequently, you were convicted by civil authorities on three occasions and received two nonjudicial punishments. Your offenses were four instances of driving under the influence of alcohol and disobedience.

Based on the foregoing record of misconduct and several adverse fitness reports, you were processed for an administrative discharge due to unsatisfactory performance. In connection with this processing you elected to waive your right to have your case heard by an administrative discharge board. On 6 June 1990 the discharge authority approved the recommendation of your commanding officer that you be separated with a general discharge. You were so discharged on 26 June 1990. At that time you were not recommended for reenlistment and were assigned an RE-4 reenlistment code.

In its review of your application the Board carefully weighed all potentially mitigating factors, such as your prior honorable

service and your contention that the discharge processing was improper. The Board concluded that these factors and contentions were not sufficient to warrant recharacterization of your discharge given your repeated alcohol related misconduct. The Board noted that you were clearly an alcohol rehabilitation failure and could have been discharged for that reason. However, this does not mean that a discharge for unsatisfactory performance was improper. The Board noted that you were given an opportunity to request an administrative discharge board to contest the discharge for unsatisfactory performance but declined to do so. The Board concluded that the general discharge was proper as issued and no change is warranted.

The Board further concluded that your record of poor performance and misconduct was sufficient to support the assignment of an RE-4 reenlistment code, and a change in that code is not warranted.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director